

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 27, 2000

PRESENT:

Ted F. Short, Chairman
Jim Shaw, Vice Chairman
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

00-587 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the agenda for the June 27, 2000 meeting be approved with the following amendments: Delete Item 5B(1) concerning Sheriff's Office Special Vehicle Unit donation of satellite radio/phones; Item 5O(4) concerning award of bid for construction of Sunrise Estates Water Storage Tank and Transmission Main; Change agenda language on Item 5P(4) from *provide* and *install* to *remove* and *replace* two 2000 amp pringle switches at the Washoe County Jail.

PUBLIC COMMENTS

Guy Felton, area citizen, advised of a class action lawsuit in Federal Court brought by citizens, like himself, who have been arrested in Washoe County and not been Mirandized. He then stated that Washoe County voters must say no to the court bond, because for a lot less money the Courthouse at Island and Sierra could have additional floors added; and that citizens must demand an independent citizens police review board.

Al Hesson, area citizen, stated that he appreciates and applauds the Board's actions relative to the proposed Court Complex and putting the matter on the November ballot for the people to decide. He then spoke about his concerns relative to the City of Reno governmental process.

Sam Dehne, Reno citizen, spoke on issues concerning airport noise, the RSCVA's plans to spend millions of taxpayer dollars to build an unneeded convention center, and a dangerous, noisy, polluting parking lot in the middle of Reno, and his denial of a legal, fair, and honest appeal of a decision of the Reno Planning Commission.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the minutes of the joint meeting of May 23, 2000, the special meeting of May 30, 2000, and the regular meeting of June 13, 2000 be approved.

**00-588 ACCEPTANCE OF DONATION – NORTHERN NEVADA DUI
TASK FORCE – SHERIFF**

Upon recommendation of James Lopey, Assistant Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the donation of \$2,400 from the Northern Nevada DUI Task Force to pay for overtime incurred in saturation DUI enforcement during the 4th of July holiday weekend be accepted with the Board's gratitude.

**00-589 ACCEPTANCE OF DONATION – HOWARD R. WEISS – AD-HOC
LIVESTOCK COMMITTEE – COMMUNITY DEVELOPMENT**

Upon recommendation of Maryann DeHaven, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the donation of \$95 from Howard R. Weiss on behalf of the Ad-Hoc Livestock Committee to assist with printing costs of brochures outlining regulations for maintaining livestock within unincorporated Washoe County be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the appropriate adjustments in account number 11613D which is designated for the Ad-Hoc Livestock Committee printing cost donations.

**00-590 ACCEPTANCE OF DONATION – ASSESSOR'S ASSOCIATION
OF NEVADA – BUDGET**

Upon recommendation of Robert McGowan, Assessor, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the donation of \$2,000 from the Assessor's Association of Nevada for the purpose of sending two Washoe County Appraisers to the International Association of Assessing Officer's Instructor Training Workshop in Chicago, Illinois be accepted with the Board's gratitude. It was further ordered that the Assessor's travel budget authority be increased by the amount of the \$2,000 donation; and that the Comptroller be directed to make the following account changes:

Increase Travel Account	1026-7620	\$2,000
Increase Donations	1026-5802	\$2,000

00-591 ACCEPTANCE OF GRANTS – STATE OF NEVADA OFFICE OF CRIMINAL JUSTICE ASSISTANCE - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that two grant awards outlined as follows from the State of Nevada, Office of Criminal Justice Assistance, be accepted and Chairman Short be authorized to execute the award documents. It was further ordered that the Comptroller be authorized to make the following account adjustments:

- 1) \$1,871 in federal grant monies for the purchase of a pair of night-vision binoculars. Matching funds of \$624 will be transferred from 15142D (State Forfeiture).

Increase Revenues	152300G/4301	\$1,871.00
Transfer from 15142D to 152300G as the cash match		\$ 624.00
Increase Expenditures	152300G/7245	\$2,495.00

- 2) \$9,267 in federal grant monies for the cost of the Evercom phone system for one year. Matching funds of \$3,089 will be transferred from 15142D (State Forfeiture).

Increase Revenues	152301G/4301	\$ 9,267.00
Transfer from 15142D to 152301G as the cash match		\$ 3,089.00
Increase Expenditures	152301G/7382	\$12,356.00

00-592 ACCEPTANCE OF NEVADA DEPARTMENT OF MOTOR VEHICLES SPECIAL TRAFFIC ENFORCEMENT GRANT – SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Special Traffic Enforcement Grant from the Nevada Department of Motor Vehicles, Office of Traffic Safety in the amount of \$22,514 to be used to cover overtime costs expended for saturation patrol events/checkpoints, purchase of five Preliminary Breath Testing devices and public information and educational materials be accepted and Chairman Short be authorized to execute the Project Agreement Document. It was further ordered that the following account transactions be authorized:

FY 00/01

Increase Revenue	152460G/4301		\$22,514.00
Increase Expenditures	152460G/7003	\$19,264.00	
	152460G/7245	\$ 1,750.00	
	152460G/7230	\$ 1,500.00	

00-593 ACCEPTANCE OF GRANT – DEPARTMENT OF HUMAN RESOURCES/DIVISION OF HEALTH – DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the District Attorney’s Office be authorized to accept grant funds from the Department of Human Resources/Division of Health in the amount of \$3,000 to be used for training the RN’s and physicians for the Sexual Assault Response Team (SART) and the Child Assault Response and Evaluations (CARES) programs. It was noted that the grant will expire on June 30, 2001 and the training may be in-state or out-of-state.

It was further ordered that the assignment of the following accounts and funds to the District Attorney’s budget for the term of the grant be authorized:

Account	Description	Increase Budget
Revenue: 10667G-4301	Federal Contribution	\$3,000.00
Expenditures: 10667G-7260	Travel	\$1,400.00
10667G-7385	Training for SART/ CARES teams	\$1,600.00

00-594 EXPENDITURE OF FUNDS – INNOVATION FORUM – STRATEGIC PLANNING

Upon recommendation of John Slaughter, Strategic Planning Manager, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the expenditure of funds not to exceed \$2,250 to host the Innovation Group’s Innovation Forum to be held in Incline Village, Nevada, on November 2-3, 2000 be approved.

It was noted that the Innovation Group is a nonprofit organization with a membership base of city and county governments; that more than 400 jurisdictions are members of the Innovation Group; that the Innovation Group’s main purpose is to facilitate networking and information sharing among member jurisdictions; and that the Innovation Forum is held quarterly in various locations throughout the country.

00-595 CHANGE OF REVENUE DESIGNATION – CHILD PROTECTIVE SERVICES FUND 028 – UNITY REIMBURSEMENTS AND TEMPORARY ASSISTANCE TO NEEDY FAMILIES GRANT PROGRAM FUNDING – BUDGET

Upon recommendation of John Brumley, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the following change of revenue designation within the Child Protective Services Fund (Fund 028) for UNITY reimbursements and Temporary Assistance to Needy Families Grant Program funding (TANF) Grant program funding be approved:

Fiscal Year 1999-2000

Revenue Designation	Decrease Account	Amount
Charges for Services-Reimbursements	028-28081G-5156	\$1,350,438
Miscellaneous – Other	028-2802-5823	\$ 40,000
Revenue Designation	Increase Account	Amount
Intergovernmental – Federal Grants	028-28081G-4301	\$1,350,438
Intergovernmental – Federal Grants	028-2802-4301	\$ 40,000

Fiscal Year 2000-2001

Revenue Designation	Decrease Account	Amount
Charges for Services–Reimbursements	028-28081G-5156	\$1,800,000
Miscellaneous – Other	028-2802-5823	\$ 20,000
Revenue Designation	Increase Account	Amount
Intergovernmental – Federal Grants	028-28081G-4301	\$1,800,000
Intergovernmental – Federal Grants	028-2802-4301	\$ 20,000

00-596 RESOLUTION – INTERFUND LOAN-GENERAL FUND (001) - HEALTH FUND (002) – FISCAL YEAR 1999/2000 – BUDGET

Upon recommendation of Anna Heenan, Finance Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution authorizing an interfund loan in an amount not to exceed \$500,000, on an as-needed basis for the fiscal year 1999/2000 be adopted and Chairman Short be authorized to execute on behalf of the Board.

A RESOLUTION AUTHORIZING INTERFUND LOAN – GENERAL FUND (001) TO HEALTH FUND (002)

WHEREAS, the General Fund of the County (Fund 001) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$500,000 without adversely affecting its cash need; and

WHEREAS, the Health Fund (Fund 002) is in need of a short-term cash loan to cover a temporary cash flow problem due to some late payments due from Federal Contributions; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA:

Section 1. The County Comptroller is hereby directed to transfer an amount not to exceed \$500,000 as needed from the General Fund (001) to the Health Fund (002) to cover a temporary cash flow problem.

Section 2. The cash interfund transaction for this loan is as follows:

		Amount	
		Debit	Credit
General Fund			
Due from Health Fund	(Acct. 001-0000-1302)	\$500,000	
Cash	(Acct. 001-0000-1001)		\$500,000
Health Fund			
Cash	(Acct. 002-0000-1001)	\$500,000	
Due to General Fund	(Acct. 002-0000-2601)		\$500,000

Section 3. The term of this interfund loan shall be six months, commencing on the day of the first transfer, to be repaid on or before six calendar months.

Section 4. There shall be no interest on this interfund loan.

Section 5. This resolution shall be effective on passage and approval.

Section 6. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Health Department and the Budget Division.

**00-597 TRANSFER OF APPROPRIATION AUTHORITY AND CASH –
PARKS DEPARTMENT – MAY FOUNDATION – PARKS**

Upon recommendation of Rosemarie Entsminger, Parks Department, through Karen Mullen, Director, Department of Parks and Recreation, and Lisa Gianoli, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the transfer of appropriation authority and cash in the amount of \$30,500 from the Parks Department General

Fund to the May Center Fund be approved and the Comptroller be directed to make the following account transactions:

Decrease Parks Operating Budget Accounts:		
Park Maintenance Seasonals	1406-70021	\$30,500
Increase:		
May Administration Equip. Services Replacement	6401-76103	\$ 4,500
May Administration Equip. Services O & M	6401-76104	\$ 5,000
May Museum Equip. Services Replacement	6402-76103	\$ 500
May Museum Equip. Services O & M	6402-76104	\$ 500
May Museum Contracts	6402-7321	\$20,000
		\$30,500

**00-598 DISTRIBUTION OF FUNDING – DISTRICT CONSTITUENTS
ACCOUNT - CONTINGENCY TRANSFER – FY 2000/01
DISTRICT 1 CITIZEN ADVISORY BOARD FUNDING**

Upon recommendation of Anna Heenan, Finance Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that a contingency transfer for Fiscal Year 2000/01 in the amount of \$1,000 for District 1 Citizen Advisory Board funding approved during Fiscal Year 1999/00 be approved and the Comptroller be directed to make the following adjustments:

		Increase	Decrease
11643-7398	CAB Support Miscellaneous Account	\$1,000	
1890-7328	Contingency (Fiscal Year 2000/01)		\$1,000

**00-599 FY 1999/00 ACCOUNT ADJUSTMENTS – THIRD AND FOURTH
QUARTER SALARY SAVINGS ALLOCATIONS – BUDGET**

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the following account adjustments for Fiscal Year 1999-2000 third and fourth quarter salary savings allocations be approved and the Comptroller be directed to make the appropriate account transactions:

- Reduce the General Fund salary and retirement accounts by \$423,449. Reduce the Health Fund salary and retirement accounts by \$132,933 for a total of \$556,382.
- Transfer \$132,933 to the Accrued Benefits Fund.
- Transfer \$423,449 to the Public Works Construction Fund for the construction of the Juvenile Justice Center.

**00-600 UNBUDGETED CAPITAL OUTLAY – PURCHASE OF OFFICE
FURNITURE – FAMILY SUPPORT DIVISION – DISTRICT
ATTORNEY**

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that unbudgeted capital outlay for the purchase of office furniture for District Attorney Family Support Division in an amount not to exceed \$50,000 be authorized.

**00-601 REPLACEMENT IRREVOCABLE LETTER OF CREDIT –
RELEASE ORIGINAL AMENDED LETTER OF CREDIT –
HAWCO INVESTMENT AND DEVELOPMENT COMPANY –
EAGLE CANYON UNIT 3 - UTILITY**

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the following actions be taken:

1. HAWCO Investment and Development Company's Replacement Irrevocable Letter of Credit No. NHS351190 in the amount of \$600,253.65 to guarantee payment of sewer connection fees for Eagle Canyon Unit 3 be accepted.

2. Original Amended Letter of Credit No. 9059 in amount of \$1,255,200 be released.

**00-602 AFFIDAVIT 15 OF WAIVER AND CONSENT – APPORTION-
MENT REPORT – SPECIAL ASSESSMENT DISTRICT 23 –
ARROW-CREEK – WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following actions be taken:

1. Affidavit 15 of Waiver and Consent as an Apportionment Report to redistribute Special Assessment District 23 assessments for ArrowCreek be approved and Chairman Short be authorized to execute.

2. The Utility Services Division Manager be directed to record the Affidavit with the County Recorder.

**00-603 CORRECTION OF FACTUAL ERRORS ON TAX ROLLS -
ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Short be authorized to execute on behalf of the Commission.

Tracy M. Faulstich, et al.--Parcel #002-040-44 (1998 Secured Roll) [-\$207.45].
Tracy M. Faulstich, et al.-Parcel #002-040-44 (1999 Secured Roll) [-\$210.21].
Tracy M. Faulstich, et al.--Parcel #002-040-44 (2000 Secured Roll) [N/A].
Mark A. & Keri Mannens--Parcel #084-351-20 (1996 Secured Roll) [-\$247.10].
Mark A. & Keri Mannens--Parcel #084-351-20 (1997 Secured Roll) [-\$251.10].
Mark A. & Keri Mannens--Parcel #084-351-20 (1998 Secured Roll) [-\$254.80].
Deborah J. Hodges--Parcel #042-323-66 (2000 Secured Roll) [N/A].

**00-604 AWARD OF BID – TRACTOR EQUIPPED WITH ARTICULATED
BOOM AND FLAIL MOWER HEAD - BID NO. 2249-2000 –
EQUIPMENT SERVICES**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on May 17, 2000, for one new tractor equipped with articulated boom and flail mower head for the Equipment Services Division of the General Services Department, on behalf of the Road Division. Proof was made that due and legal Notice had been given.

One bid, copy of which was placed on file with the Clerk, was received from the following vendor:

Blaine Equipment

HV Carter Co., Inc., M-B Companies, Inc., MME, Nevada Tractor, Reed Equipment Co., Inc., and West Star Distributing, Inc. submitted "No-Bid" responses. Alamo Sales, Empire Equipment, Farwest Equipment, Inc., Simpson Norton, Western Traction, Woodland Tractor, and Savage Air Services failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that Bid No. 2249-2000 for one new tractor equipped with articulated boom and flail mower head for the Equipment Services Division be awarded to the sole responsive, responsible bidder, **Blaine Equipment**, in the amount of \$79,661.

It was noted that under the terms of the award the County will purchase the equipment for the stated amount with a standard two-year warranty; that the references furnished gave Blaine Equipment a complimentary rating concerning their performance on the equipment supplied; and that the Purchasing Department has determined that the equipment is competitively priced.

**00-605 AWARD OF BID – 275 kW TRAILER MOUNTED (GENSET)
GENERATOR - BID NO. 2251-2000 – FACILITY MANAGEMENT**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on May 31, 2000, for one 275 kW trailer mounted (Genset) generator, on behalf of the Facility Management Division of the General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- C R Drake & Sons, Inc.
- Nevada Generator
- United Rentals, Inc.

Nevada Energy Systems, Inc. did not sign the bid document and was disqualified and Nevada Tractor, Inc. left out the price of the unit on the bid document and was disqualified. Western Traction Company submitted a “No-Bid” response and All Gen Services, Cashman Equipment Co., Holly Generator & Equipment, and Smith Detroit Diesel Allison, Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that Bid No. 2251-2000 for one 275kW Trailer Mounted (Genset) Generator for the Facility Management Division of the General Services Department be awarded to the lowest responsive, responsible bidder, **C R Drake & Sons, Inc.** in the amount of \$53,292.00. It was noted that under the terms of the award the County will purchase the equipment for the stated amount with a standard two-year warranty. It was further ordered that the Board affirms the County’s right to procure additional equipment from the successful bidder for an additional twelve months after award of the Invitation to Bid, provided there is no increase in pricing offered, and capital outlay requests have been approved.

**00-606 CONTRACT – ONLINE COMPUTER LIBRARY CENTER –
LIBRARY AND BIBLIOGRAPHIC SERVICES - BUDGET**

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly car-

ried, it was ordered that, pursuant to NRS 332.115, competitive bidding requirements be exempted and the contract between the Washoe County Library and Online Computer Library Center (OCLC) for library and bibliographic services for FY 2000-2001 in the amount of \$40,000 be approved, on the basis of OCLC being considered a “sole source” of the desired products and services at this time.

**00-607 AGREEMENT RENEWAL – NEVADA DEPARTMENT OF
EDUCATION – FY 2000/01 CHILD NUTRITION PROGRAMS –
JUVENILE SERVICES**

Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that renewal of the Agreement between Washoe County Department of Juvenile Services and Nevada Department of Education-Child Nutrition Programs, concerning the National School Lunch/Breakfast and Special Milk Program for Fiscal Year 2000/01 for meals served to juveniles at Wittenberg Hall and McGee Center be approved and Chairman Short be authorized to execute.

**00-608 GRANT AGREEMENT – RESOLUTION - PROJECT RESTART –
PAYEE REPRESENTATIVE PROGRAM – EMERGENCY
FAMILY SHELTER – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Director, Department of Social Services, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Grant Agreement between Washoe County and Project ReStart, concerning the Payee Representative Program and the Emergency Family Shelter in the amount of \$100,000 for the period July 1, 2000 through June 30, 2001 be approved, the following Resolution concerning same be adopted, and Chairman Short be authorized to execute both documents on behalf of the Board.

RESOLUTION

WHEREAS, Washoe County has the legal responsibility pursuant to NRS 428 to provide health care and general assistance to indigent persons who reside in the County;

WHEREAS, the Board of County Commissioners has the authority under NRS 244.1505 to expend money for grants to private, nonprofit organizations for selected purposes that will provide a substantial benefit to the inhabitants of Washoe County;

WHEREAS, the need for food, shelter, housing and social services to the needy in Washoe County far exceed what State and local governments can provide and this need will continue to grow as the County’s population grows; and

WHEREAS, Project ReStart provides a program to provide representative payee services to the chronic mentally and/or physically ill population in order to ensure

that these individuals use any available income for shelter, food, medical/psychiatric, and social service needs;

WHEREAS, Project ReStart provides emergency shelter, meals, case management and assessments to homeless women and children in collaboration with Washoe County Social Services, ReStart Mental Health Support Center, HAWC (Health Access Washoe County) Outreach Clinic, and Nevada Mental Health Institute; and

WHEREAS, these services will help to increase safety for homeless women and children while facilitating personal responsibility and self-sufficiency, and to identify and connect at-risk families with the Department of Social Services.

NOW THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Washoe County, Nevada approves this resolution and enters into a grant agreement in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000) for fiscal year 2000/2001 with Project ReStart to carry out its mission.

00-609 CONTRACT - GROVE MADSEN INDUSTRIES - 2000 AMP PRINGLE FUSEABLE SWITCHES FOR COUNTY JAIL – PURCHASING

Commissioner Sferrazza advised that he met with staff regarding the questions he presented at yesterday's caucus meeting concerning this item and is satisfied that staff with electrical background reviewed the situation and recommended the switches; but that he would request that an electrical engineer review these type of items in the future.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that an agreement with Grove Madsen Industries on behalf of the Facility Management Division of the General Services Department to remove and replace two 2000 amp pringle fuseable switches at the Washoe County Jail with more reliable and easier to maintain standardized circuit breakers in the amount of \$67,707 be approved. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with Grove Madsen Industries to perform the work pursuant to the specifications provided by Dinter Engineering.

00-610 AGREEMENTS – RECORDING SECRETARIAL SERVICES FOR CITIZEN ADVISORY BOARDS FOR FY 2000-01 – COMMUNITY DEVELOPMENT

Upon recommendation of Leslie Roylance, Community Development, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between Washoe County and Robert L. Cox, dba Robert L. Cox Ent., in the amount of \$4,920, and the Agreement between Washoe County and Allayne Donnelly, dba Specialized Secretarial Services, in the

amount of \$54,120, concerning the provision of recording secretarial services for Washoe County Citizen Advisory Boards, be approved and Chairman Short be authorized to execute.

00-611 AGREEMENTS – DAVID SPITZER - STATE ADULT DRUG COURT LEGAL SERVICES AND DIVERSION COURT PROGRAMS - BUDGET

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreements (two) between Washoe County and David Spitzer, concerning provision of legal services for State Adult Drug Court in the amount of \$85,000 and Diversion Court Programs in the amount of \$30,000 within Washoe County District Court be approved and Chairman Short be authorized to execute.

00-612 PROFESSIONAL SERVICES AGREEMENT – DAVID BENNETT - CRIMINAL JUSTICE ADVISORY COMMITTEE – JAIL POPULATION MANAGEMENT PLAN – BUDGET

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that renewal of the Professional Services Agreement between Washoe County and David M. Bennett concerning continuance of facilitating the Criminal Justice Advisory Committee and continuing the implementation of the jail population management plan and recommendations for improving efficiency and effectiveness of the County's criminal justice system and courts in the amount of \$76,000 be approved and Chairman Short be authorized to execute.

00-613 PROFESSIONAL SERVICES AGREEMENT – MELVYN GREEN AND ASSOCIATES, INC. - COURTS COMPLEX HISTORIC STRUCTURES - PUBLIC WORKS

Commissioner Sferrazza commented that, pursuant to discussion during yesterday's caucus meeting, it is his understanding that at this time the structural analysis will be done on the historic courthouse, and the remainder of the buildings that comprise the district courthouse will not be done until the bond issue is determined.

Upon recommendation of Bob Hall, Architect, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between Washoe County and Melvyn Green & Associates, Inc., concerning the provision of a structural analysis of existing buildings which comprise the Washoe County District Courthouse in the amount of \$31,960 be approved and Chairman Short be authorized to execute the contract when presented. Commissioner Sferrazza's understanding that only the historic courthouse building will be done until matters concerning the bond issue have been determined was confirmed.

00-614 LEASE AGREEMENT – WASHOE COUNTY AND CITY OF RENO – REGIONAL SHOOTING FACILITY - SHERIFF

Upon recommendation of James Lopey, Assistant Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the lease agreement between Washoe County and the City of Reno for space in the training building at the Regional Shooting Facility in Palomino Valley be approved and Chairman Short be authorized to execute. It was noted that the City of Reno will pay Washoe County \$1,234 per month for 60 months beginning July 1, 2000 and will share equally with Washoe County the maintenance and utility costs.

00-615 PROFESSIONAL SERVICES AGREEMENT – PATRICK DOLAN - PERSONNEL/LABOR ISSUES – SHERIFF

Commissioner Sferrazza stated that it is his understanding that Mr. Dolan is not to have a permanent office at the Sheriff's Office and is to remove the 911 Parr Boulevard address and phone number from the State Bar Directory; and that he is not to represent any labor groups within Washoe County. Katy Singlaub, County Manager, advised that Mr. Dolan has agreed to those items.

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Professional Services Agreement between the Washoe County Sheriff's Office and Patrick Dolan concerning representation of the Sheriff in certain labor matters in the amount of \$72,000 be approved and Chairman Short be authorized to execute.

00-616 SECURITY AGREEMENT – 2000 RENO RODEO - SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Sheriff's Security Agreement between Washoe County, Washoe County Sheriff's Office and the Reno Rodeo Association, concerning security services for the 2000 Reno Rodeo at the Reno Livestock Events Center and Fairgrounds which begins on or about June 15 and continues until June 25, 2000 in the estimated amount of \$50,200 be approved and Chairman Short be authorized to execute.

00-617 OUTSIDE AGENCY CONTRACTS – FY 2000/01 FORENSIC SERVICES - SHERIFF

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Forensic Support Services Agreements and Addendums between Washoe County Sheriff and the Sheriff Offices for Carson City, Churchill County, Douglas County, Elko County, Eureka County, Humboldt County,

Lander County, Lyon County, Mineral County, Pershing County, Storey County and White Pine County; and the Police Departments for Elko, Fallon, Lovelock, Sparks, West Wendover, Winnemucca and Yerington, concerning forensic science services be approved and Chairman Short be authorized to execute. It was noted that the fiscal impact of the contracts will be \$355,780 of income that will be sent to the County's General Fund.

**00-618 LEASE AGREEMENT – NEVADA LAND CONSERVANCY –
BARTLEY RANCH REGIONAL PARK RANCH HOUSE –
GENERAL SERVICES**

Upon recommendation of Tom Gadd, Director, General Services Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Lease Agreement between Washoe County, Lessor, and the Nevada Land Conservancy, Lessee, a Nevada nonprofit corporation, concerning the lease of space in the Ranch House at Bartley Ranch Regional Park for a 12-month period, retroactive to April 1, 2000, and automatically renewable annually thereafter unless terminated as specifically provided therein, and for other such terms and conditions as stated therein, be approved and Chairman Short be authorized to execute.

**00-619 LEASE AGREEMENT – KEEP TRUCKEE MEADOWS
BEAUTIFUL – BARTLEY RANCH REGIONAL PARK RANCH
HOUSE – GENERAL SERVICES**

Upon recommendation of Tom Gadd, Director, General Services Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Lease Agreement between Washoe County, Lessor, and Keep Truckee Meadows Beautiful, Lessee, concerning lease of space in the Ranch House at Bartley Ranch Regional Park for a 12-month period, retroactive to April 1, 2000, and automatically renewable annually thereafter unless terminated as specifically provided therein, and for such other terms and conditions as stated therein, be approved and Chairman Short be authorized to execute.

**00-620 AGREEMENT – SKYFIRE, INC. – 4TH OF JULY CELEBRATION –
RANCHO SAN RAFAEL PARK – PARKS**

Upon recommendation of Gregg Finkler, Park Operations Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between Washoe County and Reno/Sparks/Washoe County Skyfire, Inc., concerning this year's 4th of July celebration to be held at Rancho San Rafael Regional Park in the amount of \$12,000, consisting of \$10,000 in cash and \$2,000 in facility fee waivers, be approved and Chairman Short be authorized to execute.

**00-621 RENTAL AGREEMENT – HIDDEN VALLEY REGIONAL PARK
RESIDENT CARETAKER – PARKS**

Upon recommendation of Gregg Finkler, Park Operations Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between Washoe County and Richard D. and Yvonne E. McCollum, concerning resident caretaker at Hidden Valley Regional Park be approved and Chairman Short be authorized to execute.

**00-622 AWARD OF CONSTRUCTION BID – LEMMON VALLEY SEWER
SYSTEM – HORIZON HILLS SEWER REHABILITATION –
UTILITY SERVICES**

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal by the Department of Water Resources for construction of the Lemmon Valley Sewer System, Horizon Hills Sewer Rehabilitation, for the Utility Services Division of the Department of Water Resources.

The following bids were received:

<u>Contractor</u>	<u>Bid</u>
Insituform Technologies, Inc.	\$204,112
Gelco Services, Inc.	Not Accepted
HydroTech, Inc.	Non-Responsive
Engineer's Estimate	\$399,000

Ed Schmidt, Director, Department of Water Resources, reviewed background information advising that a great deal of research was done by the Water Resources Department concerning this project. He stated that two basic methods of sewer line rehabilitation were analyzed, being cured-in-place pipe (CIPP) and high density polyethylene pipe (HDPE), which included consulting with numerous cities and counties about the process that might be best for the County's usage; that staff determined that they wanted to exclude HDPE because of the process required and the decision had nothing to do with anyone that would install the material; and that HydroTech, a local firm, has expressed concern that the HDPE pipe was excluded from the County's specifications.

Upon inquiry of Commissioner Sferrazza, Juan Esparza, Water Resources, explained staff's reasons for excluding the HDPE pipe, and advised that research indicated that several cities have had a lot of problems with this pipe.

Kevin Brazell, Vice President, HydroTech, Inc., advised that they submitted a sealed document without a bid as a protest and appeal because they had been written out of the specifications. He discussed the merits of the HDPE pipe advising that this

material is the single most widely used in pipeline rehabilitation; that they completed two projects in the past for Washoe County Utilities using this pipe; that State law requires that “an equal” material must be allowed and their intent is to illustrate that HDPE is “an equal” material; that when a particular method is excluded, contractors are excluded and do not have the opportunity to bid on a project; that it is their opinion that the material was excluded without adequate reasoning, and if adequate research had been done it would have been found that the material is considered “an equal”; and that all they are asking for is a chance to bid on the project.

Upon inquiry of Commissioner Sferrazza, Mr. Brazell advised that they did not submit a bid, but did submit a letter in a sealed envelope to the bid opening; and that they thought they were acting properly to request an appeal of the bid process. He then stated that he was threatened by the Engineer at Water Resources that if he came before the Board today, that action would be held against him on future bids.

Chairman Short stated that he appreciated HydroTech’s position but if there are questions about bids in the future, the DA’s office should be contacted for the proper information about how to formally protest.

Commissioner Galloway stated that he believes the position of the County should be emphasized that anyone that comes before the Board with an issue like this would in no way suffer any detriment to future business with the County.

John Collins, Manager, Utility Services Division, Department of Water Resources, provided additional information and advised that he is not aware of any Utility Division project where HDPE pipe was used.

Upon inquiry of Commissioner Sferrazza, Legal Counsel Shipman advised that a vendor always has the right to do an “or equal” attempt and there is a process to determine that, which HydroTech did not follow; that essentially they just complained about their material being excluded from the specifications; that there is an appeal process which includes submitting a responsive bid; and that a vendor can always come before the Board if they feel a department is not properly considering a product and request that the Board address the issue for future bids.

Following further discussion, upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the bid for construction of the Lemmon Valley Sewer System, Horizon Hills Sewer Rehabilitation for the Utility Services Division of the Department of Water Resources be awarded to the lowest responsible, responsive bidder, **Insituform Technologies, Inc.** in the amount of \$204,112 and Chairman Short be authorized to execute the contract documents upon receipt; and that the Utility Services Division Manager be directed to issue the Notice to Proceed. It was further ordered that it be noted that it is the Board’s policy that any appeal action taken by HydroTech or any other vendor will not result in any prejudice or be the basis for exclusion from future bidder lists; and that staff be directed to review the

projects that HydroTech indicated they did in the past for the Utility Division to determine if there were any problems.

Mr. Esparza advised that at no point did he tell HydroTech that this appeal action would be held against them on future projects.

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THE BOARD CONVENED AS THE LIQUOR BOARD

00-623 COMPLAINT – REVOCATION OF BUSINESS LICENSE – TODD SURGEON AND DAN BARONE DBA AMERICANA LEISURE PRODUCTS

2:30 p.m. Madelyn Shipman, Legal Counsel, advised that this was the time and place set for a complaint for emergency suspension and revocation of the business license of Americana Leisure Products, the licensees being Todd Surgeon and Dan Barone. She further advised that no answer to the Complaint has been filed and the Ordinance makes it clear that the Board, in the absence of an answer being filed within 7 days of personal service of the Complaint, has the right to conduct a hearing and make an order. She then advised that at 1:15 this afternoon she received a call from Michelle Surgeon, wife of Todd Surgeon, who indicated that her husband was not going to be able to attend the hearing because he was in Las Vegas, but would like to have appeared; and that she did not think he was aware of the 7-day requirement to file an answer. Ms. Shipman further stated that it is her opinion that the Ordinance provides that, if the Board were to take action, it can undo that action at a later date if evidence were submitted where the Board would find that failure to answer was beyond the control of the licensee.

Commissioner Galloway stated that there is confirmation of personal service of the Complaint and failure to read something that is served is not an excusable reason for not responding in his opinion; and that if there are other reasons why the licensee could not respond, that could be brought back later.

Mike Kennedy, Code Enforcement Officer for Washoe County, reviewed background information concerning several reports of criminal fraud and civil cases that had been filed against Americana Leisure Products. He advised that Lt. Jim Musick, Commander of the Incline Sheriff Substation, advised him that he felt a business was defrauding customers; that he was informed that the gentleman running the business was taking monies for spas and spa equipment and not delivering the product; that he was also advised that this same gentleman had conducted this same type of business activity in Oregon and had been indicted for illegal business practices; that it was felt that there was ample reason to believe that the public welfare was at jeopardy if this business was allowed to continue operation; and that his understanding now is that the list of fraud cases has increased, and he believes their recommendation, with the concurrence of the District Attorney, for an emergency revocation was appropriate.

Lt. Musick advised that at the present time the Sheriff's office has eight cases for obtaining money under false pretenses; that they are looking at approximately a \$30,000 loss to the various victims, and he believes there will probably be future cases; and that these cases do not include cases that have gone to Incline Justice Court.

Chairman Short opened the public hearing and called on those wishing to speak.

Chairman Short read a statement from Eileen Fahner of Kings Beach, California, who was present but had to leave to the meeting, indicating that her husband paid Americana Spas \$2500 for a hot tub in January, 2000 and the tub was never delivered; that they requested their money back and received \$500 three months ago; that Mr. Surgeon continues to take people's money and does not provide the spas; and that they request that he not be allowed to conduct his business any more.

Robert Wilhelmy, Tahoe City, California, showed an article from an Oregon newspaper and advised that Mr. Surgeon took people there for almost \$1/2-million within the last two years; and that he hopes something is done right away to make sure that he doesn't do this to anybody else.

Kathi Bergemann stated that she is also a victim of Todd Surgeon. She advised that she went to Small Claims Court last week and received a judgment allowing that Mr. Surgeon would be able to pay her with proceeds from a seminar he is planning at the Hyatt; that if he does the seminar, she would like for him to receive some kind of special events license, because the victims will never get restitution if his business license is pulled or he goes to jail.

There being no one else wishing to speak, Chairman Short closed the public hearing.

Legal Counsel Shipman advised that the only issue before the Board is the business license for Americana Leisure Products and does not include any seminar Mr. Surgeon may be teaching.

Bob Webb, Community Development, provided information concerning special events licenses, advising that they are termed a temporary sales of service and anyone can request that to provide temporary services. Upon inquiry of Commissioner Bond, Mr. Webb advised that background checks are not done for a general license; that the Code does not provide for an investigation or provide the ability to deny a general license; but that a license can be suspended or revoked once issued.

Following further discussion, Commissioner Bond moved that the business license for Todd Surgeon and Dan Barone, dba Americana Leisure Products, be revoked. Commissioner Galloway seconded the motion based on the preponderance of the evidence and the non-response of the affiant. On call for the question the motion passed unanimously.

Upon inquiry of Commissioner Shaw, Legal Counsel Shipman advised that the revocation would become effective immediately and a written order will be drafted for Chairman Short's signature reflecting the motion of the Board and will be personally served on Mr. Surgeon and Mr. Barone.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

**00-624 AGREEMENT – TATE & SNYDER ARCHITECTS –
ARCHITECTURAL AND COURT PLANNING SERVICES –
REGIONAL JUSTICE FACILITY - PUBLIC WORKS**

David Roundtree, Public Works Director, advised that the staff report was done prior to Board action last week to authorize the purchase of the Pioneer Property and that the master plan effort include a second scenario if the bond issue does not pass; and that, based on that action, staff requested that Tate and Snyder amend the scope of work for this master planning effort, which increased the amount from \$150,000 to \$170,000.

Commissioner Galloway noted that the Board does not make the decision about the ballot question concerning the Regional Justice Facility until July 11, 2000. Mr. Roundtree stated that he believes the site needs to be master planned whether or not the Board determines to put the ballot question before the public because the court facilities are needed, and if the bond issue is not the vehicle, something else will need to be done.

Katy Singlaub, County Manager, suggested that the Board could consider approving a not-to-exceed amount and request that the consultant start on the Pioneer Inn property, which the County owns.

Commissioner Sferrazza asked Mr. Roundtree to respond to several issues raised in a letter dated June 21, 2000 that he received from Ian Macfarlane, Architect, concerning the court building at One South Sierra. Mr. Roundtree advised that the building was structurally designed for a total of 7 stories, and the plan was to add the additional floors to accommodate court expansion; that through the work of the Consultant, Tate and Snyder, it has been determined that the current floor plate of the building does not provide an efficient layout for District Court courtrooms and support facilities; that it makes sense to convert those courtrooms into office space if the County's priority is to reunite all of the courts in one efficient location; that the building is adequately sized to support the District Attorney's function and seems like a natural transition to utilize it for that purpose. Mr. Roundtree responded to further issues raised in said letter. Commissioner Sferrazza questioned whether it makes sense to build a brand new building and

convert the courtrooms of a four-year old building into office space because it represents a tremendous waste of resources.

James Hardesty, District Judge, Department 9, urged that the Board approve the agreement at once. He stated that the entire judiciary needs to be involved in an extensive process of planning for what will be constructed on the Pioneer Inn site if the bond is approved to go to the voters; and that collocating the courts will allow the judiciary to accomplish a number of operational deficiencies and improve efficiencies in their operating budgets, which will save the taxpayers money. He discussed the problems with the existing facility at One South Sierra and stated that delaying the process does not afford the people who will be promoting the bond the necessary time to do the media advertising, brochures, etc. to educate the public; that this is a very critical time in the judiciary and evaluation is needed to determine how to do business the very best way possible; that the cost of adding four floors to the existing building is \$29-million and the courtrooms would still not function adequately and the better approach is to address future expansion needs for the next century which would have courtrooms in one building with appropriate technology; and that One South Sierra was budget driven to the extreme and was probably not a good idea. Judge Hardesty responded to several questions of Commissioner Sferrazza, explaining why it would not be feasible for the Judges to travel to the jail instead of inmates being transported to the Courthouse, etc.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Commissioner Sferrazza voting "no," it was ordered that the Agreement between Washoe County and Tate & Snyder Architects for architectural and court planning services for the Washoe County Court Master Plan Adaption in a not-to-exceed amount of \$170,000 be approved, which agreement is to contain a clause that states if the Board decides not to move forward with a ballot question for the Justice Center, the contract will be subject to reopening and negotiation to reduce the scope of work and cost accordingly.

00-625 TRANSFER FROM CONTINGENCY – ARCHITECTURAL AND COURT PLANNING SERVICES - REGIONAL JUSTICE CENTER – FINANCE

Katy Singlaub, County Manager, advised that, pursuant to discussion on the previous item, the agenda memorandum amount of contingency transfer needs to be increased by \$20,000 to \$179,000, which includes a \$9,000 expenditure on a three-day workshop evaluating the effects of implementing the current master plan.

Upon recommendation of Kim Carlson, Finance Department, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Short ordered that the following inter-fund transfer of Contingency funds in the amount of \$179,000 to fund additional architectural and court planning services for the proposed Regional Justice Center, which would be located on the existing Pioneer Inn site, be approved and the Comptroller be directed to make the following account transactions:

Account	Description	Increase	Decrease
1890-7328	General Fund Contingency		\$179,000
89037-7879	Courthouse Phase II Design	\$179,000	
1885-8189	General Fund transfer out	\$179,000	
89037-6901	Capital Facilities Fund transfer in	\$179,000	

**AGREEMENT – COUNTY-WIDE FACILITIES MASTER PLAN –
PUBLIC WORKS**

David Roundtree, Public Works Director, provided additional written information concerning this item. Commissioner Galloway stated that he would like to go into this issue in some depth and would prefer to continue the item.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Short ordered that this item be continued and that the possibility of scheduling a workshop with action be considered.

**00-626 TRUCKEE MEADOWS CLEAN CITIES COALITION – CLEAN
CITIES DESIGNATION EVENT JUNE 28, 2000 – GENERAL
SERVICES**

Upon recommendation of Tom Gadd, Director, General Services Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Board, on behalf of Washoe County, commit and support becoming stakeholders in the Truckee Meadows Clean Cities Coalition; and that Chairman Short be authorized to sign a Memorandum of Understanding concerning same during the Clean Cities Designation Event to be held June 28, 2000 at 10:30 a.m. in the National Automobile Museum.

**00-627 CERTIFICATION OF BUDGETS AND SPECIAL ASSESSMENTS
- BUDGET**

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that certification of budgets and special assessments requested by the State of Nevada Department of Conservation and Natural Resources to pay for the cost for work performed in the following groundwater basins by the State Engineer be approved:

Pleasant Valley	\$ 1,000.00
Cold Springs Valley	\$ 3,000.00
Truckee Meadows/Sun Valley	\$30,000.00
Lemmon Valley	\$12,000.00
Warm Springs Valley	\$ 5,018.06

It was further ordered that the following actions be taken:

1. The County Clerk be directed to attest certificates and submit same to the State Engineer with copies to the Treasurer, Assessor and Budget Division.
2. The County Assessor be directed to enter the amount of charge or charges on the assessment roll against the claimants and the property or acreage served.
3. The Treasurer be directed to bill and collect special tax rates and/or assessments requested by the State Engineer.
4. The Comptroller be directed to pay approved amounts to the Department of Conservation and Natural Resources for Lemmon Valley, Pleasant Valley and Cold Springs from the Lemmon Valley Underground Water Basin Fund.

**00-628 PRIVATE ACTIVITY BOND CAPACITY (VOLUME CAP) YEAR
2000 ALLOCATION PROCESS – COMMUNITY DEVELOPMENT**

Robert Sellman, Director, Community Development, reviewed the allocation procedure and the recommendation to establish a process for public notice of the availability of Private Activity Bond Capacity (Volume Cap) in the amount of \$3,146,520 for allocation, priorities and procedures for applications, and the timetable for notice and approval. Mr. Sellman then responded to questions of the Board.

Discussion commenced concerning the establishment of possible priorities. Commissioner Galloway stated that he thinks the way to address issues concerning industrial use versus housing and whether a project should be in the unincorporated area or not would be to ask whether a project would meet needs that otherwise are not going to be addressed; and that he wants to do what is best for the County overall, but if other jurisdictions are using their portions of the allocation funds to meet those needs and a need is unmet that is located in the unincorporated area, that might be a reason to support the project. He then stated that he thinks consideration should be given to whether a project would support or enhance County employment goals, such as being near jobs and promoting urban in-fill, and whether a project generates public revenues which are more than the public expense to meet the needs generated by the project. He noted that he would not want to put these as priorities but thinks they are issues that the Board would consider in evaluating a project.

Commissioner Sferrazza commented that he would prefer affordable housing over economic development and would favor the greatest number of units per dollar; that he agrees that the County should not provide preference for unincorporated versus incorporated and that the allocations should be even handed throughout the County with respect to economic development; that he would favor projects that have already been approved in terms of land use to avoid approving allocation funds to a project that might be controversial down the line, which has occurred in the past; and that for

competing projects, he would give higher consideration to a project that provides higher wages.

Commissioner Bond stated that she would not want to constrain the County by asking that a project have all its approvals before an allocation is considered because that would eliminate all kinds of options before the County has a chance to look at them. Commissioner Sferrazza clarified that he is not suggesting that no one could apply, but thinks priority should be given to a project that is approved over one that is not approved. Commissioner Shaw stated that a top priority for him would be affordable housing. Commissioner Galloway reiterated that he thinks it would be preferable if the Board not approve priorities, and just indicate that these are the things the Board is looking for in projects, because he would not want to tie the County's hands relative to projects that can be considered. Commissioner Bond commented that rehabilitation possibilities concerning affordable housing issues has tremendous potential for the community and she feels this should also be considered.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the following general process for informing the public of the availability of Private Activity Bond Capacity (Volume Cap) for distribution by the County be approved:

- Staff will publish a notice of application availability and filing deadline, with sufficient time to allow staff and Board review before the State allocation deadlines.
- After review, staff will prepare an evaluation and a summary for Board consideration and approval.

It was further ordered that the timetable for application notice and approval to initiate the Bond Cap allocation process for year 2000 be set for July 7, 2000. It was noted that the Board did not choose to establish distinct priorities but will be looking at the types of things mentioned in today's discussion.

**00-629 REGIONAL WATER PLANNING COMMISSION COMMENTS –
SUBMISSION TO FEDERAL HIGHWAY DEPARTMENT –
DRAFT EIS – RENO RAILROAD CORRIDOR PROJECT**

Ed Schmidt, Director, Department of Water Resources, reviewed the comments made by the Regional Water Planning Commission concerning the Draft Environmental Impact Statement (EIS) to the Reno Railroad Corridor Project, which they are requesting the Board forward to the Federal Highway Administration. He advised that they expressed concerns relative to the proposal to consolidate six stormwater drainage outlets into one river discharge point, which looks on the map to be closer to the Glendale Water Treatment Plant, and may not provide the proper dilution of stormwater discharge; and that the other concern expressed was relative to what water might get into the trench and what the project would do with the water once it got there.

Mark Demuth, MADCON Consultation Services, advised that he is the principal environmental consultant for the City of Reno on this project; and that the EIS is a Federal Highway document and not a City of Reno document. He reviewed issues relative to seepage and advised that part of their engineering in the next phase of the project will be to adequately come up with a first line of defense as well as a redundant system for leakage; that all cement seeps water, and the issue is how slow is the seepage and what is seeping; that the report indicates the evaporation rate is five times greater than the seepage and they believe that is a non-issue, but they also proposed a secondary first flush system into the sanitary sewer so that, should there ever actually be seepage that makes it all the way through and doesn't evaporate, it would be discharged into the sanitary sewer and not into the storm drain; and that both of those issues are covered in the document and they believe they were adequately studied. Mr. Demuth then responded to questions of the Board concerning how a first flush system would need to be designed. Commissioner Galloway commented that he believes what is being addressed is a narrow problem and does not recognize possible impacts of water leaking through the trench at rates that would exceed the evaporation rate. Mr. Demuth stated that they feel the document adequately addresses that issue and no science has been offered by anyone to say this large amount of seepage exists. Commissioner Galloway stated that he personally does not think the issue has been addressed because a large amount of seepage could occur from an earthquake or be precipitated by a derailment.

Mr. Demuth responded to further questions of the Board and advised that all comments collected prior to 5:00 p.m. on July 7th will be addressed in the final document and the document will reflect any changes that are necessary based on those comments; that it is the Federal Highway Administration's decision as to how they respond to the comments and what changes, if any, they feel the document requires; and that 30 days after the final document is issued they will issue a Draft Record of Decision (ROD) that would be available for comment, after which a final ROD will be issued.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the Comments from the Regional Water Planning Commission be submitted to the Federal Highway Department concerning the Draft Environmental Impact Statement to the Reno Railroad Corridor Project.

00-630 **WASHOE COUNTY COMMENTS - RENO RAILROAD
CORRIDOR PROJECT DRAFT ENVIRONMENTAL IMPACT
STATEMENT**

Commissioner Galloway advised that he submitted comments in addition to those submitted by David Roundtree, Public Works Director, for Board discussion concerning the County's commentary to the Reno Railroad Corridor Project Draft Environmental Impact Statement to be submitted prior to the July 7th deadline.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the comments concerning the Reno Railroad Corridor Project Draft EIS prepared by Mr. Roundtree and Commissioner Galloway be forwarded to the Federal Highway Department.

**00-631 RESOLUTION – REIMBURSEMENT TO SIERRA PACIFIC
POWER COMPANY OF COSTS INCURRED – REMEDIATION
OF GROUNDWATER - DISTRICT NO. 24**

Katy Singlaub, County Manager, advised that there is a revised amount relative to the reimbursement of costs incurred concerning remediation of groundwater with Sierra Pacific Power of \$5,962,588.

Ed Schmidt, Director, Department of Water Resources, provided written information relative to questions asked at yesterday’s caucus meeting. He reviewed the documents and responded to questions of the Board. John Swendseid, Bond Counsel, reviewed issues concerning the agreement on this item. Paul Miller, Sierra Pacific Power Company, provided additional information in response to questions of the Board.

Commissioner Bond commented that the Board made a commitment when the assessment district was formed to reimburse Sierra Pacific Power for the facilities they put in place for the remediation of groundwater. Commissioner Galloway agreed and stated that it has been demonstrated that the budget is adequate to repay the debt service.

Upon recommendation of Jim Ford, Remediation District Hydrogeologist, through Ed Schmidt, Director, Department of Water Resources, and Leonard Crowe, Water Resources Planning Manager, it was ordered that the following Resolution be adopted and Chairman Short be authorized to execute:

**RESOLUTION NO. 00-631
OF WASHOE COUNTY, NEVADA**

**A RESOLUTION RELATING TO THE REMEDIATION OF GROUNDWATER;
AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATING TO THE
REIMBURSEMENT OF COSTS INCURRED FOR AND THE OPERATION FOR
FACILITIES FOR THE REMEDIATION OF GROUNDWATER WITH SIERRA
PACIFIC POWER COMPANY; AND PROVIDING OTHER MATTERS
PROPERLY RELATED THERETO.**

WHEREAS, subsection 1 of NRS §540A.250 provides that the Board of County Commissioners (herein “Board”) shall create a district for the remediation of the quality of water if the county or district health officer (the “Health Officer”) or Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources (the “Division”) certifies in writing to the Board that a condi-

tion exists in an area of the region which is affecting or will affect the quality of water that is available for municipal, industrial and domestic use within the region; and

WHEREAS, the Board has received certifications in writing (the "Certification") as described to in subsection 1 of NRS §540A.250

WHEREAS, subsection 2 of NRS §540A.250 provides that on receipt of the Certification, the Board must proceed in cooperation with the County or District Health Officer and the Division to verify the existence and extent of the condition and establish the appropriate boundaries of a district for the remediation of the quality of water (the "District" or District No. 24"); and

WHEREAS, pursuant to NRS §540A.250 and the Certification so received, the Board has proceeded in cooperation with the Health Officer and the Division to verify the existence of the condition and establish appropriate boundaries of the District, and in connection therewith, the Board has had prepared for it a plan for remediation designated the "Central Truckee Meadows Remediation District Final Work Plan February 22, 1996" (the "Plan for Remediation" or the "Plan" as heretofore approved by the Board); a copy of what is and has been since September 16, 1997 on file in the office of the County Clerk; and

WHEREAS, the Plan for Remediation has been submitted to the Division and approved by them pursuant to Subsection 1 of NRS §540A.260; and

WHEREAS, the Board has, pursuant to Ordinance No. 1000, created District No. 24 for the remediation of the quality of water by removing or reducing the amount of and reducing the spread of the contaminant perchloroethylene ("PCE"); and

WHEREAS, pursuant to NRS §540A.270, the County is authorized to reimburse the other parties for expenses incurred in connection with the remediation of groundwater that are in conformity with and will further the Plan for Remediation or operation of the District; and

WHEREAS, Sierra Pacific Power Company ("Sierra") has, as is described in the Plan, instituted a well head remediation of groundwater program for the contaminant for which the District was created, PCE; and

WHEREAS, where Sierra has submitted a list of expenses for which it seeks reimbursement from the remediation District pursuant to NRS §540A.270; and

WHEREAS, the County has reviewed such list of Sierra and the County and Sierra have agreed as to which expenses are appropriate for reimbursement at this time; and

WHEREAS, County has found and determined and hereby finds and determines that each of the expenses listed in Exhibits "A" and "B" to the Agreement ap-

proved pursuant to Section 1 of this Resolution are expenses incurred in identifying, studying and remedying, and/or attempting in good faith to remedy, the condition for which District No. 24 was created, and are costs and expenses that are in conformity with and further the Plan for Remediation and operation of the District; and

WHEREAS, such costs were either incurred before creation of the District or prior to the time the costs were incurred, the Board, by adoption of the Plan and other action taken in connection with the District, approved the incurrence of the cost and determined that the cost is in furtherance of the Plan for Remediation; and

WHEREAS, it is found that the costs and expenses of Sierra for operation of the remediation facilities as described in the Agreement approved in Section 1 are expenses incurred in identifying, studying, remediating and/or attempting in good faith to remedy, the condition for which District No. 24 was created and are in conformity with and further the Plan for Remediation and operation of the District and the Board hereby approves amount of the costs, and determination thereof as provided in the Agreement, and hereby determines that those costs of operation and maintenance are in furtherance of the Plan for Remediation; and

WHEREAS, the County and Sierra desire that Sierra will continue to operate certain remediation facilities in accordance with the Plan in order to remediate groundwater; and

WHEREAS, the County and Sierra have negotiated a form of an agreement which provides for such reimbursement and such operation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. The form of Agreement between Sierra and Washoe County, Nevada entitled the "Washoe County, Nevada District No. 24 (Groundwater Remediation) Agreement for Ownership, Operation and Maintenance of Certain Remediation Facilities and for Reimbursement for Certain Expenses," in substantially the same form on file now with the County Clerk, is hereby approved and the Chairman and Clerk are hereby authorized to execute and deliver such Agreement for and on behalf of the County.

Section 2. The officers of the County are hereby authorized to take all action necessary to effectuate the creation of this Resolution, including, after such Agreement is executed and delivered, making payments to Sierra as therein provided at the times therein provided.

Section 4. All action the County and its officers directs towards the obligations of this Resolution heretofore taken are hereby ratified and approved and confirmed.

Section 5. If any section, paragraph or clause of this Resolution is ever declared unenforceable or invalid, this shall not affect the remaining provisions of this Resolution.

Section 6. This Resolution shall be in effect upon passage and approval.

* * * * *

It was further ordered that the agreement providing for (1) reimbursement to Sierra Pacific Power Company for \$5,962,588 in remediation expenses incurred in studying and attempting in good faith to remedy the PCE contamination in the regional aquifer, (2) SPPCo's continued operation of wellhead remediation facilities now in place, and (3) reimbursement of the costs of operations on an annual basis be approved and Chairman Short be authorized to execute.

00-632 RESOLUTION – INTENT TO ISSUE ECONOMIC DEVELOPMENT REVENUE BONDS – SIERRA NEVADA COLLEGE PROJECT

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Short be authorized to execute:

RESOLUTION NO. 00-632

A RESOLUTION INDICATING THE INTENT OF WASHOE COUNTY, NEVADA TO ISSUE ECONOMIC DEVELOPMENT REVENUE BONDS TO FINANCE AND REFINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND EQUIPMENT OF A PROJECT FOR SIERRA NEVADA COLLEGE; FIXING THE TIME AND PLACE OF A PUBLIC HEARING CONCERNING SUCH BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE CONCERNING SUCH HEARING; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") is authorized under the County Economic Development Revenue Bond Law, NRS 244A.669 through 244A.763 (the "Act") to issue bonds for the purpose of financing and refinancing projects for corporations for public benefit and as further described in NRS 244A.689; and

WHEREAS, Sierra Nevada College, a Nevada non-profit corporation and a corporation for public benefit as defined in NRS 244A.678 (the "Corporation"), has requested the County to assist in the financing of the acquisition of computer hardware and software and certain costs of the relocation of portions of the campus of the Sierra Nevada College (the "College") to another site located within the County, including, without limitation, the acquisition and construction of buildings at such new site and the acquisition and installation of equipment and furnishings at such new site (the "Improvement

Project”), and to refinance outstanding indebtedness of the Corporation previously incurred for the acquisition, construction and installation of the College (the “Refinancing Project” and, together with the Improvement Project, the “Project”) by the issuance of economic development revenue bonds under the Act in an aggregate principal amount not to exceed \$4,500,000 (the “Bonds”); and

WHEREAS, the College, including the Project, is or will be owned by the Corporation and used as a private coeducational liberal arts college; and

WHEREAS, before the issuance of the Bonds, pursuant to the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) the Board of County Commissioners of the County (the “Board”) must publish notice of its intention to issue the Bonds and hold at least one public hearing not less than fourteen nor more than twenty days after the date of publication of such notice.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, NEVADA:

Section 1. For purposes of Sections 1.103-8(a)(5) and 1.150-2 of the Regulations promulgated under the Code, the County hereby declares its intent to issue the Bonds to finance the Project, including reimbursing expenditures made by the Corporation for the Improvement Project before the issuance of the Bonds from the proceeds of the Bonds.

Section 2. The Bonds will be payable solely from the revenues to be received by the County pursuant to a loan, lease or other agreement to be entered into between the County and the Corporation and any credit enhancement provided by the Corporation to secure the payment of the Bonds. The Bonds shall never constitute the debt or indebtedness of the County within the meaning of any provision or limitation of the constitution of the State of Nevada or statutes, and shall not constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Section 3. The Bonds shall not be issued unless: (i) the County has held the hearing required by NRS 244A.707, made the findings required by NRS 244A.711 and obtained the approval of the State Board of Finance if required by NRS 244A.711; (ii) the County and the Corporation shall have agreed to mutually acceptable terms for the Bonds and the sale and delivery thereof, and mutually acceptable terms and conditions for the loan, lease or other agreement for financing the Project; (iii) the Corporation shall have provided the County Finance Director or his designee with sufficient information such that the County Finance Director or his designee determines that it is acceptable to proceed with the financing; and (iv) the County shall have completed all proceedings required by the Act.

Section 4. A public hearing shall be held on July 18, 2000 at 9:30 a.m., or as soon thereafter as it may be heard, at the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, as specified in a notice to be published not less

than fourteen nor more than twenty days prior to the date of such hearing, at which time and place the Board will hear and consider the views of all interested persons concerning the proposed issuance of the Bonds by the County to finance the Project, will consider approval of the issuance of Bonds for the purposes of Section 147 of the Code and will consider information supplied by the Corporation to enable the Board to make the determinations required by NRS 244A.711.

Section 5. The County Clerk shall give notice of such hearing by publication one time in the Reno Gazette-Journal in Reno, Nevada, such publication to be not less than fourteen nor more than twenty days prior to the date of the hearing. Such notice shall be in substantially the form outlined.

Section 6. Nothing herein shall be construed as in any way committing or obligating the County to issue the Bonds or to take any other steps to facilitate the Project. Nothing herein constitutes a County endorsement of the Project or a finding of the County that the Project is feasible or is in compliance with any law or regulations, including land use, building regulations or other regulations of the County or any other governmental entity.

Section 7. The Board has determined, and does hereby declare, that this resolution shall become effective and be in force immediately upon its adoption.

00-633 DISCUSSION – HMO CARRIER FOR WASHOE COUNTY EMPLOYEES

Commissioner Sferrazza advised that he received approximately 65 e-mails concerning the HMO carrier change from Hometown Health Plan to PacifiCare effective July 1, 2000; that the major concern expressed was that employees were losing the ability to go to Washoe Medical Center; and that one of the suggestions he received and agrees with concerns having better representation on the insurance committee by basing it on the number of employees as opposed to the number of negotiating units. He noted that one representative from the DA's unit on this year's committee represented a handful of employees while one representative from WCEA represented hundreds of employees; and that most of the complaints he received were from WCEA members. He stated that, as a result of this change, many employees can no longer afford to go to their doctors or their preferred hospital, and they had no input into that decision; that he is also concerned that there is no representation from the non-represented employee group; that he understands that it would be difficult to change at this point, but would request that staff negotiate to expand the current structure for the future to include a more proportional representation of employees, possibly consisting of at least one HMO and one self-funded person from each employee group.

Ray Sibley, Risk Manager, advised that a meeting is scheduled with the Insurance Negotiating Committee in August to discuss the previous request of the Board concerning the timing of benefit changes, and this issue can be brought to that meeting for discussion, noting that he believes the request is outside the purview of the committee

and would have to be done between the Board and the individual Associations through the negotiation process. He then advised that of the 8 people who voted for the insurance change, one vote was against the HMO carrier change which was made by a person on the self-funded plan; and that over the past 10 years he does not think whether the representatives of the Associations were on the HMO or the self-funded plan had a bearing on their decision because the representatives review the entire program and base their votes on what they believe is best for the Association they represent. Mr. Sibley then responded to questions of the Board concerning the increase of costs in the County's health benefits programs, etc.

Katy Singlaub, County Manager, stated that the County does try to keep costs down; and that decisions concerning health insurance benefits are not made purely on the basis of cost, but there is a balance that needs to be achieved.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that staff be directed to explore the possibility of increasing representation of the HMO group on the Insurance Negotiating Committee and include representation of the non-represented employee group, and report their findings back to the Board. It was further ordered that this matter be presented to the Insurance Negotiating Committee for their comments and possible recommendations.

00-634 2000 ADVISORY BALLOT QUESTIONS

Chairman Short stated that he requested that the Board discuss having an advisory question on the ballot for the unincorporated citizens concerning the results of the fiscal equity study to ask them whether they would support a taxing vehicle for non-regional services, have their service levels lowered, or if they would prefer annexation. He further stated that, because of the complexity of this issue and because the County has not yet determined the best course of action, he would suggest that the discussion on a ballot question relating to the fiscal equity study be continued.

Katy Singlaub, County Manager, advised that the last possible date to submit ballot questions is July 17th, which is a Monday, so the latest meeting date that the Board could take action would be July 11, 2000.

Jeannie Fow, Red Rock Estates Property Owners Association and a member of the North Valleys Citizen Advisory Board, stated that most of the people she has talked to are very opposed to any type of annexation and that there is strong opposition in Silver Knolls, Golden Valley and Anderson Acres. She further stated that she lives 15 miles away from the nearest fire station, which is a volunteer station; that the regional park is over 20 miles from her home; that their road is dirt; and that they don't receive that many services anyway, so they would not mind losing some of them. Ms. Fow advised that she believes the people will let the Commission know that the people in the North Valleys are definitely against annexation and against raising taxes.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the consideration of a possible ballot question concerning the fiscal equity study proposed solutions be continued to July 11, 2000.

* * * * *

Commissioner Galloway had requested a discussion concerning possible advisory questions to be placed on the November ballot regarding the proposed uses for the additional sales tax monies, specifically whether the public supports the flood control project and the ReTRAC project. He reviewed the written recommendation and background report he prepared, which included specific wording for two proposed ballot questions, stating that although the additional sales tax was approved, neither of the projects has proceeded to any actual commitment to construction; that, in the case of the railroad project, the broad category was grade separation of the railroad tracks; that the project being proposed is lowering the tracks below grade through downtown Reno; and that a lot of controversy has arisen about the costs and impacts of such a project. Commissioner Galloway stated that what he is proposing is to let the public debate handle the cost issues and whether the benefits of the project justify the costs.

Chairman Short advised that the proposed questions would be advisory only and would have no legal bearing on the projects.

The following area residents spoke in support of placing these questions on the ballot and allowing the citizens of Washoe County the opportunity to be heard: Mike Tracy, Lois Avery, Al Hesson, Mike Robinson, Robert Larkin, and Terry Campbell. These individuals also expressed their concerns about the ReTRAC project, especially the costs and environmental problems. Mr. Campbell indicated that he was speaking from the perspective of the Chairman of Reno's Financial Advisory Board and as a member of the Shoofly Committee. He stated that their biggest concern is that this construction period, which in itself is really going to impact downtown businesses, will be starting up around the same time that Indian gaming gets going in California, which will also have tremendous negative impacts on Reno's casinos.

Frank Partlow, area resident, stated that putting these types of petitions on ballots is not part of the political process anticipated by the Constitution, but rather is a manipulation of the process. He asked the Board members why they ran for office if they want the voters to decide every issue and reminded them that the County general fund budget for this year is \$213-million and the voters did not get to vote on that.

Commissioner Galloway stated that he wished to stress that these questions are advisory only and are not to be interpreted as a vote to rule out any alternative projects. He also noted that he supports the flood control project.

Commissioner Shaw thanked the people who spoke stating that the Board needs all the information it can get on these matters. He also stated that when he voted

for the additional sales tax, he did not separate flood control from the railroad tracks and the public safety training center and he is not sure it is appropriate to separate them now. Commissioner Shaw further advised that when he originally supported this, he put some faith in the people who represent the City of Reno; that it was his understanding that if the railroad project got to the point that it was overly-expensive, they would stop the project; and that he believes they will still do that. He agreed that the people do need to be educated concerning this project because all he hears is negative and the people may have already made up their minds based on all the negativity.

Commissioner Bond stated that she finds it interesting that the advisory questions do not say anything about taking the sales tax away; that it does not seem to her that the issue is money being raised without a vote of the people, but rather what the money should be spent on; and that she does not see that as a democratic process. She stated that when she supported the increased sales tax, she felt she was providing the community with the wherewithal to address two very serious issues that the community has faced and tried to address for 100 years. Commissioner Bond stated that whether the tracks go under, over or around, all the County Commissioners did was help provide part of the funding for the projects; and that if the ReTRAC project is faulty, if the EIS is negative, if the costs are too high, it won't be built. She also stated that if they cannot decide what to do about the river, nothing will be done; and that it will just continue to flood, which will also cost millions.

Commissioner Sferrazza stated that he knows the majority of the people in his district wanted to vote on this tax; that after he took office he requested the repeal of the sales tax; that he was advised that was not legal; and that a non-binding referendum would have no impact. He also stated that he would doubt that it would have any impact on Reno City Council either since they have already made their determination. Commissioner Sferrazza stated that what he would support is a resolution from the Commission urging the City Council not to go over the budgeted amount; that he feels this is a dead issue because the Board has no legal power to change anything; and that, if it can be legally done, he would have no objection to the questions being on the ballot in Commissioner Galloway's district.

Chairman Short stated that he would have preferred that the tax increase had been on the ballot; that the City of Reno has assured the Board that if ReTRAC goes over budget, they will do something else, such as overpasses; and that if Reno does go over budget and has to come to the County for more money, he will not support them. He stated that designing the right flood control project is very important and that he cannot support putting these advisory questions on the ballot because he feels all that will accomplish is inflaming the citizenry.

Commissioner Galloway stated that he would much rather have a full vote and that he did not become a critic of the ReTRAC project until he started sorting through all the information, some of which looks incomplete or inconsistent. He further stated that the Reno City Council did not make a commitment to not go over budget; that commitment was made by one engineer; and that under design-build, the City could insist that

the budget is whatever was originally projected adjusted by inflation to present-day dollars, then issue a contract, and discover later that it costs more, and the public would be liable.

Commissioner Galloway then moved that the following advisory question be placed on the November ballot concerning the railroad grade separation project:

Do you support the construction of the depressed railway project (RETRAC project) which involves lowering the tracks below grade through approximately 2.1 miles of downtown Reno?

Commissioner Sferrazza stated that he would second the motion only if it is limited to Commissioner Galloway's district if that is legally permissible.

Legal Counsel Madelyn Shipman stated that she would have to do some research to determine whether a question can be within one district only.

Commissioner Galloway stated that he would amend his motion to apply only to his district. Chairman Short called for the vote and the motion failed on a 4 to 1 vote with Commissioners Short, Shaw, Bond and Sferrazza voting "no."

Commissioner Galloway then moved that the following advisory question be placed on the November ballot concerning the flood control project:

Do you support the construction of the Truckee River Flood Management Project, which involves an ongoing community-based design process, with construction and financial participation by the US Army Corps of Engineers to give additional flood protection along certain reaches of the Truckee River?

Commissioner Sferrazza stated that he did commit to his constituents that if the opportunity arose for them to vote on flood control, he would be sure they were allowed to do so, and, therefore, he would second the motion for his district and Commissioner Galloway's district only, if that is legally permissible.

Commissioner Galloway stated that he would amend the motion to be specific to the two districts only. Chairman Short called for the vote and the motion failed on a 3 to 2 vote with Commissioners Bond, Shaw and Short voting "no."

A discussion ensued concerning drafting a resolution for future adoption by the Board to urge the City of Reno to be careful not to exceed budget on the ReTRAC project, especially in light of the fact that Reno offered those assurances many times and that was the reason some of the County Commissioners supported increasing the sales tax.

**ACQUISITION OF BUREAU OF LAND MANAGEMENT
PROPERTY – RED HILL – PARKS AND RECREATION**

In response to questions at Caucus concerning the Bureau of Land Management (BLM) proposal to dispose of approximately 469 acres known as Red Hill in Sun Valley, Karen Mullen, Parks and Recreation Director, explained that under the BLM guidelines, R&PP (Recreation and Public Purposes) leases are generally for active recreation rather than passive open space; and, therefore, the County would not qualify to acquire this land under that process. She further stated that she has talked to BLM about the communication sites and has been advised that the County could not separate those out and receive the revenue from them. Ms. Mullen then reviewed the list of leases and the revenue BLM receives for the communication sites which is approximately \$65,000 per year. She explained that these leases are actually right-of-way grants for 50- or 30-year periods that go with the patent and that when the land changes hands, the rights-of-way will continue.

In response to Commissioner Bond, Ms. Mullen explained that the American Land Conservancy (ALC) is the proponent in the land exchange; that ALC is willing to deed the open space to the County; and that they do want to sell the communication sites and residential area to raise funds for acquisition of other open space.

Commissioner Galloway noted that one of the options available to the County would be for the County to make an offer on the whole parcel and pay for it with the revenue generated by the communication sites.

Ms. Mullen clarified that the \$700,000 would buy the communication sites on top of Red Hill; that ALC will deed the open space sites to the County; and that the residential property on Chocolate Drive has a value of \$495,000.

Commissioner Galloway stated that he was not talking about just the communication sites and asked if the County could make an offer to the BLM for all of the property for a better price than ALC.

Commissioner Sferrazza stated that that would be his preferred option; that the lease revenue would pay for the \$700,000; and that he would go to the people in Panther Valley, who have \$250,000 set aside for a park, to see if they would be willing to help fund this park. He noted that if the County had the property, part of it could be sold just the same as the ALC is planning to do.

Commissioner Shaw asked if the Parks Commission had considered this property. Ms. Mullen stated that they did and they do want to keep the open space; that they felt the area along Chocolate Drive was appropriate for residential development; that that would assist in managing access to the mountain; and that the way people are going up and down this hill now is really ruining it.

Commissioner Bond stated that Sun Valley folks have been looking at this property for years; but that she is not comfortable with the County becoming landlords or selling off portions of it; and that if the County took this for park space and then disposed of any of it, the people would go ballistic.

Chairman Short noted that the County can obtain a conservation easement from the ALC for free, which can be used for park land. Commissioner Bond stated that she thinks that would be the right thing to do.

Katy Singlaub, County Manager, stated that the decision is a policy issue for the Board and summarized what she sees as the issues, being 1) insuring open space preservation, which can be done without investing any money, 2) possible revenue generation, and 3) whether the County wants to be in the land speculation business.

Commissioner Bond moved that staff be directed to move forward with securing the open space, along with the deeded access, that the ALC is willing to transfer to the County.

Chairman Short requested that the motion be held because he does have a request to speak card from an individual.

Charles Hancock, area resident who stated that he is retired from the BLM, asked why Washoe County would pay the American Land Conservancy \$1.2 million for Red Hill when the County can acquire the whole parcel from BLM at no cost under the Recreation and Public Purposes Act. He stated that that would require that the County submit a development and management plan to BLM and after completing and implementing the plan, the County would receive title to the land, including the right to collect the rent on the communication sites. Mr. Hancock emphasized that the County can obtain all of this property for free if it is willing to spend the money to develop a plan that will meet the requirements of the R&PP; and that a neighborhood park and trails, etc., would meet those requirements. He also pointed out that there is a very short time frame since comments have to be submitted to BLM by the 1st of July.

Chairman Short stated that this land is part of a larger property exchange with the ALC and asked Ms. Mullen to comment on Mr. Hancock's remarks.

Ms. Mullen stated that development of hiking, biking, nature and interpretive trails, and observation points does not qualify for the R&PP lease process, but development of a neighborhood park would because that would be considered active recreation. She added that the dilemma is that there are no park construction tax funds available for Sun Valley and staff would have to put together a funding plan as well as a development and implementation plan for the park.

Commissioner Galloway asked if the proposed funding source could include the revenue from the communication sites. Ms. Mullen stated that it was her understanding that it could not. Commissioner Galloway also stated that getting the land is

the most important issue because once the land is gone, it is gone forever and asked how much time the County would have to develop something. Ms. Mullen stated that the BLM does request that plans be completed in 3 years, although they have been flexible on that.

Ms. Singlaub stated that the transfer is scheduled to take place in August; that it is not just a simple matter of the ALC finding other land for the transfer; and that the County can acquire, at no cost from the ALC, the open space for parks and hiking trails. Commissioner Sferrazza stated that he thinks Ms. Singlaub has a conflict of interest. Ms. Singlaub recused herself from the discussion.

Chairman Short asked Commissioner Bond to restate her motion. Commissioner Bond repeated the motion that staff be directed to go forward with the American Land Conservancy to secure the open space that the County can acquire, the deed for the access that would be needed, and to acquire whatever the County can get for free. The motion was seconded by Commissioner Shaw.

Commissioner Galloway stated that he senses a reluctance on the part of staff to get in the way of the ALC; that he believes it is the Board's job to consider what is best for the citizens of Washoe County; and that he does not believe they are doing their job if they do not direct exploration of acquisition of this property through the parks and public uses option. He stated that he would like to see the motion as the back-up position.

Commissioner Bond stated that the County could make application to get all of the property and, if that is not accepted, the deal with the ALC would still be a good one. Commissioners Galloway and Sferrazza stated they would support that action. Ms. Mullen reminded the Board that that will require an expenditure of funds for staff to put together a development and implementation plan, as well as a funding plan, for developing the flat section along Chocolate Drive that meets the R&PP intent; and that staff will have to file a protest on the ALC land exchange proposal. Commissioner Bond stated that staff should do whatever they have to do to accomplish this.

Chairman Short asked how much it would cost to do the plan. Ms. Mullen stated that it would be \$20,000 to \$25,000. Commissioner Galloway stated that this needs to be done and that staff may have to come back with a budget item at a subsequent meeting. Commissioner Sferrazza asked that the application for the land also include the communication sites as a possible future funding source.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Chairman Short voting "no," it was ordered that staff be directed to take whatever steps are necessary, including filing a protest against the proposed American Land Conservancy exchange, to make application under the Recreation and Public Purpose Act for the County to acquire as much of the BLM property known as Red Hill as possible. It was further ordered that if the ap-

plication is denied or if the effort fails for some reason, staff is directed to pursue acquisition of the open space and access through the ALC as previously stated.

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There being no further business to come before the Board, the meeting adjourned at 7:10 p.m.

TED SHORT, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk
